

ASSEMBLY BILL

No. 1069

Introduced by Assembly Member Montanez

February 22, 2005

An act to amend Section 483.5 of the Penal Code, relating to identification documents.

LEGISLATIVE COUNSEL'S DIGEST

AB 1069, as introduced, Montanez. Deceptive identification documents.

Existing law prohibits a deceptive identification document, as defined, from being manufactured, sold, offered for sale, furnished, offered to be furnished, transported, offered to be transported, or imported or offered to be imported into this state, except as specified. Existing law defines "deceptive identification document" with reference to a document not issued by a governmental agency of this state, another state, or the federal government. A violation of this provision is a crime.

This bill would, in addition, prohibit a document-making device, as defined, from being possessed with the intent that the device will be used to manufacture, alter, or authenticate a deceptive identification document.

The bill would also revise the definition of "deceptive identification document" to include a document not issued by a governmental agency of a foreign government, a political subdivision of a foreign government, an international government, or an international quasi-governmental organization. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 483.5 of the Penal Code is amended to
2 read:

3 483.5. (a) No deceptive identification document shall be
4 manufactured, sold, offered for sale, furnished, offered to be
5 furnished, transported, offered to be transported, or imported or
6 offered to be imported into this state unless there is diagonally
7 across the face of the document, in not less than 14-point type
8 and printed conspicuously on the document in permanent ink, the
9 following statement:

10 NOT A GOVERNMENT DOCUMENT

11
12 and, also printed conspicuously on the document, the name of the
13 manufacturer.

14 (b) *No document-making device may be possessed with the*
15 *intent that the device will be used to manufacture, alter, or*
16 *authenticate a deceptive identification document.*

17 (c) As used in this section, “deceptive identification
18 document” means any document not issued by a governmental
19 agency of this state, another state, ~~or~~ the federal government, a
20 foreign government, a political subdivision of a foreign
21 government, an international government, or an international
22 quasi-governmental organization, which purports to be, or which
23 might deceive an ordinary reasonable person into believing that it
24 is, a document issued by such an agency, including, but not
25 limited to, a driver’s license, identification card, birth certificate,
26 passport, or social security card.

27 (d) *As used in this section, “document-making device” means*
28 *an implement, tool, equipment, impression, laminate, card,*
29 *template, computer file, computer disk, electronic device,*
30 *hologram, laminate machine or computer hardware or software.*

31 ~~(e)~~

1 (e) Any person who violates or proposes to violate this section
2 may be enjoined by any court of competent jurisdiction. Actions
3 for injunction under this section may be prosecuted by the
4 Attorney General, ~~or any district attorney, or any city attorney~~ in
5 this state in the name of the people of the State of California
6 upon their own complaint or upon the complaint of any person.

7 ~~(d)~~

8 (f) Any person who violates the provisions of subdivision (a)
9 who knows or reasonably should know that the deceptive
10 identification document will be used for fraudulent purposes is
11 guilty of a crime, and upon conviction therefor, shall be punished
12 by imprisonment in the county jail not to exceed one year, or by
13 imprisonment in the state prison. *Any document-making device*
14 *may be seized by law enforcement and shall be forfeited or*
15 *destroyed by order of the court upon a finding that the device*
16 *was intended to be used to manufacture, alter, or authenticate a*
17 *deceptive identification document.*

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the
23 penalty for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition of a
25 crime within the meaning of Section 6 of Article XIII B of the
26 California Constitution.